

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,
Plaintiff, Counter-defendant,
v.
APPLE INC.,
Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**JOINT STATEMENT REGARDING
DISCOVERY ORDER (DKT. 1209)**

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to Your Honor's Discovery Standing Order, the Parties in the above-captioned action respectfully submit this joint statement related to the ongoing evidentiary hearings concerning Plaintiff Epic Games, Inc.'s ("Epic") Motion to Enforce Injunction (Dkt. 897 (the "Motion"))).

Respectfully submitted,

CRAVATH, SWAINE
& MOORE LLP

By: /s/ Yonatan Even
Yonatan Even
Counsel for Epic Games,
Inc.

WEIL, GOTSHAL & MANGES LLP

By: /s/ Mark Perry
Mark A. Perry
Counsel for Apple Inc.

Background: On January 30, 2025, Epic raised certain objections to the Special Masters' rulings related to Entry 1219 (PRIV-APL-EG_00035780), arguing that "a similar document that Apple did produce . . . is primarily about engineering concerns" and that Entry 1219 "should not be withheld in its entirety and should be produced (at most with redactions)". (Dkt. 1147 at 2.) Apple responded that it was "willing to propose redactions to Epic if doing so will resolve Epic's objection". (Dkt. 1164 at 4.) This Court ordered the Parties to "meet and confer to see if they can resolve their dispute over Entry 1219" and "file a statement within two days stating whether they have resolved this dispute". (Dkt. 1209 at 1.) Accordingly, the Parties provide the below Joint Statement concerning the resolution of this dispute.

Joint Statement: The Parties have met and conferred as to Entry 1219. Apple offered to produce Entry 1219 with certain redactions. Epic agrees to these redactions. Apple has also clawed back duplicate versions of Entry 1219 and will produce those duplicate versions to Epic with the same redactions as to Entry 1219 that have been agreed-upon by the Parties. (Feb. 16, 2025 Ltr. from J. Wesneski to Y. Even.) Upon Apple's production of Entry 1219 and the duplicate versions Apple clawed back with the agreed-upon redactions, the Parties believe this dispute will be resolved. The Parties respectfully submit that this issue does not require further discussion or resolution by this Court.

Respectfully submitted,

DATED: February 18, 2025

CRAVATH, SWAINE & MOORE LLP

By: /s/ Yonatan Even

Counsel for Plaintiff Epic Games, Inc.

WEIL, GOTSHAL & MANGES LLP

By: /s/ Mark Perry

Counsel for Defendant Apple Inc.